

05-30-07

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To:

United States Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Re:

Application No: 10/084,572
Applicants: KAMINSKY, ET AL.
Examiner: KIEU-OAHN BUI
Art Unit 2623
Response to Office Action Mailed 5/1/2007



To: Examiner Kieu-Oanh Bui:

RE: write in response to the Miscellaneous Communication (mailed 5/1/2007) on application number 10/084,572, art unit 2623, entitled "Methods, Systems and Program Products for Tracking Information Distribution", with inventors David Louis Kaminsky and David Mark Ogle.

In response to lack of underlining, the claims have been reprinted below with appropriate underlining.

With respect to the assertion that new material was included, we respectfully, but strongly disagree. As background, we note MPEP 706.07 Final Rejection [R-3] - 700 Examination of Applications

(http://www.uspto.gov/web/offices/pac/mpep/documents/0700_706_07.htm):

While the rules no longer give to an applicant the right to "amend as often as the examiner presents new references or reasons for rejection," present practice does not sanction hasty and ill-considered final rejections. The applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application. But the applicant who dallies in the prosecution of his or her application, resorting to technical or other obvious subterfuges in order to keep the application pending before the primary examiner, can no longer find a refuge in the rules to ward off a final rejection.

Specifically, rather than “adding new features”, we added six additional words (as underlined) to our independent claims that clearly limited the scope of our application rather than “adding new features,” which would expand the scope. In that context, marking the rejection final was clearly an inappropriate action by the prior examiner, and the case should be open, and the claims (with the additional limiting language added to address the newly cited art, not add a “new feature”) should be examined.

Our prior response clearly explains why this new limitation (not new feature) address all objections previously cited by the examiner, and should therefore be allowed.

However, to expedite prosecution, we offer to cancel (without prejudice as to novelty) the following claims: 48, 49, 50, 54, 55, 56, 57, 59, 60, 61, 65, 66, 67, and 68, leaving only claims 47, 51, 52, 53, 58, 62, 63, 64 and 69 (nine total) to be examined. Should this offer be accepted, an amended set of claims will be submitted.

Respectfully submitted,



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